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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/484,629	01/18/2000	Iain Clive Andrew Franklin Robinson	3265/85705	9911
29933	7590	08/01/2005	EXAMINER	
PALMER & DODGE, LLP KATHLEEN M. WILLIAMS 111 HUNTINGTON AVENUE BOSTON, MA 02199			WOITACH, JOSEPH T	
			ART UNIT	PAPER NUMBER
			1632	

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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07242005

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**Commissioner for Patents**

See attached supplemental Examiner's amendment.

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### **DETAILED ACTION**

This application is an original application filed January 18, 2000, which claims benefit to foreign applications: PCT/GB99/02658, filed December 8, 1998; 9817566.4, filed August 12 1998; and 9910522.3, filed May 6, 1999, all filed in the United Kingdom.

Claims 8-16, 28 and 31, 33, 34-36 are currently under examination.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

#### ***Examiner's Amendment***

Authorization for this examiner's amendment was given in a telephone interview with Kathleen M. Williams, July 25, 2005.

The application has been amended as follows:

In claim 13:

Delete [or 12].

Add claim 37:

(New) The vector of claim 12 further comprising one or more sequences selected from the group consisting of sequences of the coding region of the oxytocin (OT) gene, the coding

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region of the vasopressin (AVP) gene, or the coding region of the human growth hormone (hGH) gene.

***Comments on Supplemental Amendment***

The instant Examiner's amendment has been made to address the problem of a multiple dependent claim being dependent on another multiple dependent claim.

The claims are free of the art of record because the art fails to teach or make obvious the specific SEQ ID NOs or sequences that hybridize that are 15 to 50 base pairs in length (claim 28). As noted previously, the TO and AVP genomic sequences have been previously described, however these cloned sequences did not contain the 5' polynucleotide sequence which comprised the 5'OT EST gene described in the instant specification. More specifically, the prior art teaches that ESTs sharing partial homology to the 5'OT EST sequences were known, however the prior art of record failed to teach the full length sequences as presently disclosed, or even to appreciate the presence of the 5'OT EST gene 13 kb upstream of the TO gene, or provide motivation to link this gene or gene product described only by the partial EST sequences with the TO gene.

Claim 35, that was rejoined with the allowed products, is directed to a method that was not examined during the prosecution of the product however in the context of the claimed product having the properties of the 5'OT EST has been fully considered. In light of the evidence that in human obesity is linked to alleles in chromosome 2, in particular to 5'OT EST, and the evidence provided in the transgenic animal models, there is a clear indication that 5'OT EST itself and alterations in 5'OT EST expression can be related to obesity. It is noted that the

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instant specification does not disclose any specific polymorphisms nor mutations in humans, however given level of skill in the art and the correlation of 5'OT EST with obesity, Examiner considers the method of detecting changes in 5'OT EST with a potential role in obesity fully enabled by the instant specification.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

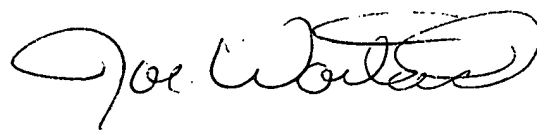
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Woitach whose telephone number is (571) 272-0739.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla, can be reached at (571) 272-0735.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group analyst Dianiece Jacobs whose telephone number is (571) 272-0532.

Joseph T. Woitach

JOSEPH WOITACH, PH.D.  
PRIMARY EXAMINER

  
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